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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**  
 13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE  
 16 COMPANY,

17 USA CAPITAL REALTY ADVISORS,  
 18 LLC,

19 USA CAPITAL DIVERSIFIED TRUST  
 20 DEED FUND, LLC,

21 USA CAPITAL FIRST TRUST DEED  
 22 FUND, LLC,

23 USA SECURITIES, LLC, Debtors.  
 24

25 **Affects:**

26  All Debtors  
 USA Commercial Mortgage Company  
 USA Capital Realty Advisors, LLC  
 USA Capital Diversified Trust Deed Fund, LLC  
 USA Capital First Trust Deed Fund, LLC  
 USA Securities, LLC

Case No. BK-S-06-10725-LBR  
 Case No. BK-S-06-10726-LBR  
 Case No. BK-S-06-10727-LBR  
 Case No. BK-S-06-10728-LBR  
 Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
 BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING  
 FIRST OMNIBUS OBJECTION OF  
 USACM TRUST TO PROOFS OF  
 CLAIM BASED UPON  
 INVESTMENT IN THE  
 OPAQUE/MT. EDGE \$7,350,000  
 LOAN**

Date of Hearing: December 20, 2007  
 Time of Hearing: 9:30 a.m.

21 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM**  
 22 **THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR**  
 23 **CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE**  
 24 **OPAQUE/MT. EDGE \$7,350,000 LOAN BECAUSE THE USACM TRUST**  
 25 **CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR YOUR**  
 26 **INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT IMPACT**



1 **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A  
2 DIFFERENT LOAN.**

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY  
4 COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS  
5 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM  
6 SHOULD BE DIRECTED TO THE UNDERSIGNED COUNSEL .**

7 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
8 through its counsel, has filed its First Omnibus Objection to Proofs of Claim Based Upon  
9 Investment in the Opaque/Mt. Edge \$7,350,000 Loan (the "Objection"). Your Proof of  
10 Claim number and other information regarding your claim is provided in **Exhibit A**,  
11 attached. The USACM Liquidating Trust has requested that this Court enter an order,  
12 pursuant to section 502 of title 11 of the United States Code (the "Bankruptcy Code") and  
13 Rule 3007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"),  
14 disallowing your Proof of Claim to the extent it is based upon an investment in the  
15 Opaque/Mt. Edge \$7,350,000 Loan. The Objection will not impact your Claim to the  
16 extent it is based upon an investment in a different loan.

17 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
18 before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley  
19 Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on  
20 December 20, 2007, at the hour of 9:30 a.m.

21 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON  
22 DECEMBER 20, 2007, WILL BE HELD FOR THE PURPOSE OF STATUS  
23 CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO  
24 ARGUMENTS WILL BE HEARD ON THAT DATE.**

25 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed  
26 by December 14, 2007, pursuant to Local Rule 3007(b), which states:



1        If an objection to a claim is opposed, a written response must be filed and  
 2        served on the objecting party at least 5 business days before the scheduled  
 3        hearing. A response is deemed sufficient if it states that written  
 4        documentation in support of the proof of claim has already been provided to  
 5        the objecting party and that the documentation will be provided at any  
 6        evidentiary hearing or trial on the matter.

7        If you object to the relief requested, you *must* file a **WRITTEN** response to this  
 8        pleading with the Court. You *must* also serve your written response on the person who  
 9        sent you this notice.

10       If you do not file a written response with the Court, or if you do not serve your  
 11       written response on the person who sent you this notice, then:

- 12       • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 13       • The Court may *rule against you* without formally calling the matter at the  
 14       hearing.

15       Dated: November 20, 2007

16       LEWIS AND ROCA LLP

17       By /s/ Rob Charles (#6593)  
 18       Susan M. Freeman, AZ 4199 (*pro hac vice*)  
 19       Rob Charles, NV 6593  
 20       John C. Hinderaker, AZ 18024 (*pro hac vice*)  
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 25       E-mail: rcharles@lrlaw.com  
 26       *Attorneys for the USACM Liquidating Trust*

27       Copy of the foregoing mailed by first class  
 28       Postage prepaid U.S. Mail on  
 29       November 20, 2007 to:

30       Parties listed on Exhibit A attached.

31       s/ Renee L. Creswell  
 32       Renee L. Creswell